

FILED

December 27, 2005

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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EFFECTIVE

December 21, 2005
**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Kevin R. Jespersen
Deputy Attorney General
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS
Docket No.

IN THE MATTER OF THE SUSPENSION :	
OR REVOCATION OF THE LICENSE :	Administrative Action
OF :	
MATTHEW R. PONZIO, M.D. :	THIRD INTERIM
LICENSE NO. MA02335300 :	CONSENT ORDER
TO PRACTICE MEDICINE AND :	
SURGERY IN THE STATE OF NEW :	
JERSEY :	

This matter was most recently opened to the New Jersey State Board of Medical Examiners (the "Board") based upon a request of the Respondent Matthew R. Ponzio, M.D., seeking the Board's consent to implement the terms of an Education Plan that the Center for Personalized Education for Physicians ("CPEP") prepared. On November 9, 2004, the Attorney General filed a Verified Complaint that alleged Matthew R. Ponzio, M.D. engaged in conduct that

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violated the statutes and regulations governing the practice of medicine in the State of New Jersey. Dr. Ponzio, through his attorneys, filed an Answer to the Verified Complaint. On November 19 and 22, 2004, a hearing committee (the "Committee") of the Board considered an application of the Attorney General for the temporary suspension of Dr. Ponzio's license. The Committee temporarily suspended Dr. Ponzio's license to practice medicine, pending a plenary hearing, by a written Order dated November 22, 2004, such temporary suspension having taken effect on December 1, 2004. On December 8, 2004, the Board ratified the Order of the Committee. On or about August 1, 2005, CPEP issued to the Board and the Attorney General a copy of the Education Plan for Dr. Ponzio. The Education Plan is on file with the New Jersey State Board of Medical Examiners and is available for public review, upon request. Dr. Ponzio has successfully completed Phase I of the Education Plan to the satisfaction of the Board and of CPEP. Dr. Ponzio now desires to undertake Phase II of the Education Plan. Phase II of the Education Plan requires that Dr. Ponzio be restored to limited licensure. The Parties have consented to the form and entry of this Third Interim Consent Order. Dr. Ponzio consents and agrees to each and every term of this Third Interim Consent Order. The Board has determined that the within disposition is adequate to protect the public health, safety and welfare at this time. For such reasons and other good cause shown,

IT IS on this 21st day of December, 2005,

ORDERED:

1. Dr. Ponzio shall be restored to limited licensure to practice medicine in the State of New Jersey to the extent specified by this Order and only to the extent necessary to permit Dr. Ponzio to participate in Phase II of the CPEP Education Plan. All other conditions of the Order of Temporary Suspension shall remain in full force and effect.

2. At all times during the implementation of Phase II of the CPEP Education Plan, Dr. Ponzio shall work under the supervision and responsibility of a preceptor/supervisor approved by CPEP and accepted by the Board. The preceptor/supervisor shall supervise Dr. Ponzio, and Dr. Ponzio shall submit to such supervision, in accordance with the directives and requirements of the Education Plan. Consistent with Phase II of the CPEP Education Plan, Dr. Ponzio may now transition to his own practice location and he will no longer be required to work with a Supervisor on-site.

3. Dr. Ponzio may only practice medicine to the extent described under Phase II of the CPEP Education Plan.

4. The CPEP approved preceptor/supervisor shall warrant, under penalty of discipline from the Board, that Dr. Ponzio shall not practice in any way in violation of this Order or of the CPEP Education Plan, while under the supervision of the preceptor/supervisor.

5. Each patient treated pursuant to this Order and the CPEP plan will be advised of the arrangement between Dr. Ponzio and the preceptor/supervisor in accordance with HIPPA, and Dr. Ponzio will not undertake the care of any patient without that patient's prior execution of a consent form that states, "In accordance with HIPPA requirements, I have been informed by Dr. Matthew Ponzio that he is working with a preceptor, Dr. [here insert the preceptor's name], a licensed physician, who will be reviewing my medical records subsequent to and/or during my treatment by Dr. Ponzio. I hereby agree to allow a review of my records by the preceptor, Dr. [here insert the preceptor's name]."

6. All reports and copies of patient records that either Dr. Ponzio or the preceptor/supervisor shall submit to CPEP under the terms of the CPEP Education Plan shall also be promptly submitted by Dr. Ponzio to the Director of Medical Education for the Board.

7. Dr. Ponzio may charge the normal and customary fees for the medical services he provides during his participation in Phase II of the Education Plan. No patient, however, shall be charged any additional fees beyond the normal and customary charges, and no patient shall be charged any fee for the activities of the preceptor/supervisor.

8. Throughout the time that Dr. Ponzio participates in Phase II of the Education Plan:

a. Dr. Ponzio shall fully comply with whatever recommendations CPEP may make with regard to practice restrictions.

b. Dr. Ponzio shall not engage in the practice of medicine for more than a total of 40 hours a week.

c. Dr. Ponzio shall not perform any stress tests until he has satisfactorily completed the training for stress tests specified under Appendix C to the CPEP Education Plan. For purposes of this Order, "successful completion" shall mean that Dr. Ponzio fully complies with all requirements of Appendix C to the CPEP Education Plan with regard to stress tests, and that CPEP has unconditionally stated in a writing delivered to the Attorney General and to the Board that Dr. Ponzio has satisfactorily completed the stress test training. Notwithstanding any other provisions of this Interim Consent Order, until Dr. Ponzio has successfully completed the stress test training as prescribed by Appendix C of the CPEP Education Plan, Dr. Ponzio may engage in stress tests only to the extent necessary to participate in the training that Appendix C describes. Furthermore, notwithstanding any other provision of this Interim Consent Order, until Dr. Ponzio successfully completes the stress test training, he may not charge any patient any fee for stress tests.

d. Dr. Ponzio shall not insert any triple lumen catheters, until further order of the Board. Dr. Ponzio will be ineligible to apply to the Board to perform triple lumen catheters

until he successfully completes a retraining plan that CPEP has designed with regard to triple lumen catheters. For purposes of this Order, "successful completion" shall mean that Dr. Ponzio fully complies with all requirements of the CPEP retraining plan with regard to triple lumen catheters, and that CPEP has unconditionally stated in a writing delivered to the Attorney General and to the Board that Dr. Ponzio has satisfactorily completed the triple lumen catheter training.

e. Dr. Ponzio shall not practice general internal medicine and shall limit his practice to non-invasive cardiology, until further order of the Board; provided, however, that Dr. Ponzio may engage in the practice of internal medicine only to the extent necessary and appropriate to render care as a physician practicing non-invasive cardiology. Dr. Ponzio will be ineligible to apply to the Board to practice general internal medicine until he successfully completes a retraining plan that CPEP has designed with regard to general internal medicine. For purposes of this Order, "successful completion" shall mean that Dr. Ponzio fully complies with all requirements of the CPEP retraining plan with regard to general internal medicine, and that CPEP has unconditionally stated in a writing delivered to the Attorney General and to the Board that Dr. Ponzio has satisfactorily completed the training with regard to, and is competent to practice, general internal medicine.

9. The Director of Medical Education of the Board may, from time to time, communicate with the preceptor/supervisor with regard to the activities of the preceptor/supervisor and Dr. Ponzio under the terms of this Order and the CPEP Education Plan.

10. The preceptor/supervisor shall execute a copy of this Third Interim Consent Order and shall by so executing a copy of this Third Interim consent Order agree to be bound by and to obey each and every term and condition of this Order.

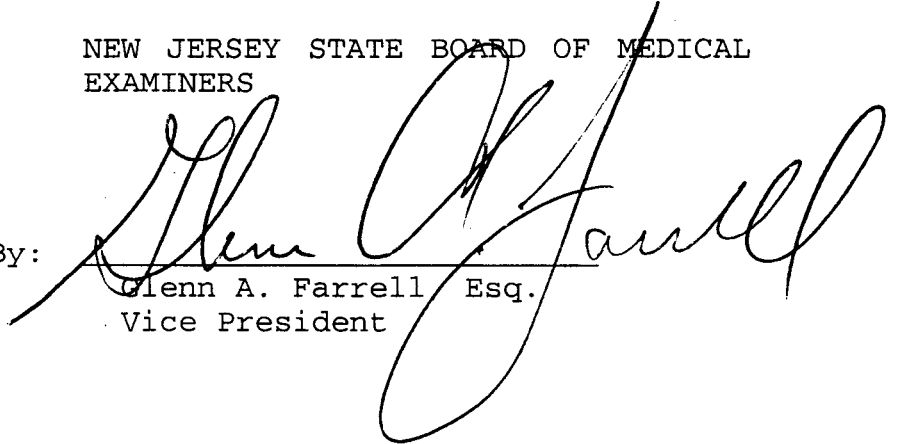
11. The limited license to practice medicine granted to Dr. Ponzio under the terms of this Third Interim Consent Order shall remain valid and in effect only until June 1, 2007, and shall expire as of that date.

12. Nothing in this Third Interim Consent Order shall be deemed an admission of any fact or expert opinion with regard to the matter now pending before the Office of Administrative Law entitled In re Matthew R. Ponzio, M.D. (Docket No. BDSME 01964-2005N) (the "OAL Case"). The Attorney General's consent to this Third Interim Consent Order and the Board's entry of this Third Interim Consent Order shall not be deemed an admission or an agreement that Dr. Ponzio is fit to resume the unrestricted practice of medicine. Notwithstanding Dr. Ponzio's successful completion of the Education Plan, nothing in this Third Interim Consent Order shall preclude the Board from imposing any appropriate sanction upon Dr. Ponzio after the completion of the

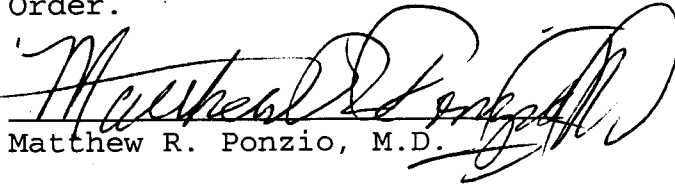
OAL Case, including but not limited to the revocation or suspension of Dr. Ponzio's license, the imposition or civil penalties or costs, or the imposition of restrictions upon Dr. Ponzio's practice of medicine. Neither this Third Interim Consent Order nor any description of the terms of this Third Interim Consent Order may be admitted into evidence, or used in any way, in any proceeding, including but not limited to the OAL Case or any appeal arising from the OAL case; except any party may submit this Order, as evidence or otherwise, in a proceeding to enforce this Third Interim Consent Order.

NEW JERSEY STATE BOARD OF MEDICAL
EXAMINERS

By:


Glenn A. Farrell Esq.
Vice President

I have read the within Order. I understand the Order and I agree to be bound by its terms and conditions. I hereby consent to the entry of this Order.


Matthew R. Ponzio, M.D.

Dated:

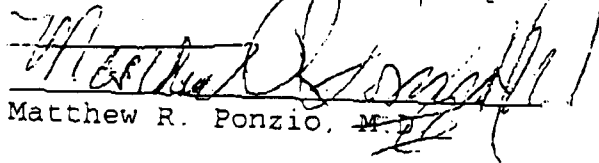
Peter Zazzali, M.D.
Preceptor/Supervisor

Dated:


Domenic L. Mariano, D.O.
Preceptor/Supervisor

Dated:

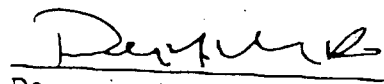
I have read the within Order. I understand the Order and I agree to be bound by its terms and conditions. I hereby consent to the entry of this Order.


Matthew R. Ponzio, M.D.

Dated:


Peter Lazzali, M.D.
Preceptor/Supervisor

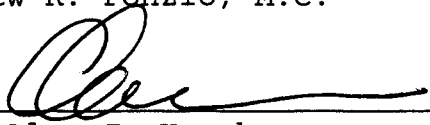
Dated:


Domenic L. Mariano, D.O.
Preceptor/Supervisor


Dated:

We hereby consent to the form and
entry of this Order

DeCotiis, Fitzpatrick, Cole
& Wisler, LLP
Attorneys for the Respondent
Matthew R. Ponzio, M.C.

By: 
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